COPY

DEC 4 1972

No. 72-578

# In the Supreme Court of the United States

OCTOBER TERM, 1972

In Re:

**BRUCE W. BUBLICK, A Witness Before The July, 1972 Grand Jury**

*Petitioner,*

vs.

**UNITED STATES OF AMERICA,**

*Respondent.*

## REPLY BRIEF

THOMAS P. SULLIVAN
JOHN C. TUCKER
RODNEY D. JOSLIN
*Attorneys for Petitioner Bruce W. Bublick*

JENNER & BLOCK
135 S. LaSalle
Chicago, Illinois 60603
312-641-6060

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

# In the Supreme Court of the United States

OCTOBER TERM, 1972

## No. 72-578

In Re:

**BRUCE W. BUBLICK, A Witness Before The July, 1972 Grand Jury**

*Petitioner,*

vs.

**UNITED STATES OF AMERICA,**

*Respondent.*

## REPLY BRIEF

The Solicitor General argues that the case is moot, but he does not advert to the continuing controversy between petitioner and the government regarding the applicability of the privilege against self incrimination to professional service corporations.

The government's argument concerning the distinction between civil and criminal contempt is a strawman, having

no relevance to this case. We concede that the District Judge's contempt order was civil in nature. The important question is not whether the contempt is civil or criminal, but rather whether there continues to be a controversy between the parties concerning the privilege against self incrimination. Since there clearly is such a controversy, and since petitioner has not waived his rights by producing the documents under threat of going to jail, the case is not moot and ought to be determined by this Court at the earliest opportunity.

Respectfully submitted,

THOMAS P. SULLIVAN,
JOHN C. TUCKER,
RODNEY D. JOSLIN,
*Attorneys for petitioner.*

*Of Counsel:*
JENNER & BLOCK
135 S. LaSalle
Chicago, Illinois 60603
312-641-6060